

THE HONORABLE DAVID G. ESTUDILLO

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

ANTHONY HUFF-MCKAY, an individual,

Plaintiff,

v.

CITY OF TACOMA, a Washington local
government entity; KHANH PHAN, an
individual,

Defendants.

NO. 3:24-cv-05104-DGE-MLP

STIPULATION AND ~~[PROPOSED]~~ ORDER
ALLOWING PLAINTIFF TO FILE
AMENDED COMPLAINT

NOTE ON MOTION CALENDAR:
MARCH 26, 2024

Pursuant to Federal Rule of Civil Procedure 15(a)(2), Plaintiff Anthony Huff-McKay, and Defendants City of Tacoma and Khanh Phan (collectively, “Defendants”) through their undersigned counsel, hereby stipulate as follows:

WHEREAS on January 19, 2024, Plaintiff filed their original Complaint for Damages in Pierce County Superior Court against Defendants, and then filed their First Amended Complaint for Damages with the same Court on January 26, 2024.

WHEREAS on February 7, 2024, Defendants filed a Notice of Removal of Civil Action from State Court, attaching a copy of Plaintiff’s First Amended Complaint.

WHEREAS Plaintiff seeks to file their Second Amended Complaint for Damages.

STIPULATION AND ~~[PROPOSED]~~ ORDER ALLOWING
PLAINTIFF TO FILE AMENDED COMPLAINT - 1

(No. 3:24-cv-05104-DGE-MLP)

OSBORN MACHLER
2025 1st Ave., Ste. 1140
Seattle, WA 98121
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(206) 441-4220 (Fax)

1 **WHEREAS** a copy of Plaintiff's proposed Second Amended Complaint for Damages is
2 attached hereto as **Exhibit "A."**

3 **IT IS HEREBY STIPULATED**, by and between Plaintiff and Defendants, by and
4 through their respective counsel, that:

- 5 1. Plaintiff should be granted leave to amend to file their Second Amended
6 Complaint for Damages, a copy of which is attached hereto as **Exhibit "A."**
7
8 2. Defendants agree to accept service of the Second Amended Complaint
9 electronically.
10 3. Defendant's responsive pleading shall be due thirty (30) days after the Second
11 Amended Complaint for Damages is filed.

12 DATED: March 26, 2024

OSBORN MACHLER, PLLC

13
14 By /s/Austin Neff
15 Susan Machler, WSBA 23256
16 Simeon J. Osborn, WSBA #14484
17 Austin J. Neff, WSBA #57059
18 Attorneys for Plaintiffs

19 DATED: March 26, 2024

TACOMA CITY ATTORNEY

20 By /s/Michelle Yotter
21 Michelle N. Yotter, WSBA No. 49075
22 Civil Division
23
24
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ORDER

The Court having reviewed the foregoing Stipulation, and good cause appearing therefore:

IT IS HEREBY ORDERED that Plaintiff is granted leave to amend to file their First Amended Complaint for Damages, a copy of which is attached hereto as **Exhibit "A."**

IT IS ALSO ORDERED that Defendant's responsive pleading shall be due thirty (30) days after the Second Amended Complaint for Damages is filed.

IT IS SO ORDERED

Dated this 28th day of March, 2024.



MICHELLE L. PETERSON
United States Magistrate Judge